

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BONNIE BUCKHALT,

Plaintiff,

v.

MERCANTILE ADJUSTMENT BUREAU, LLC,

Defendant.

**COMPLAINT FOR DAMAGES FOR ABUSIVE DEBT COLLECTION**

1. Defendant is a debt collector who engaged in abusive debt collection activity against Ms. Buckhalt.
2. Ms. Buckhalt sues for violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.* (“FDCPA”) and New Mexico consumer protection law.

**Jurisdiction**

3. This Court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d), and under 28 U.S.C. §§1331, 1337 and 1367.

**Parties**

4. Plaintiff Bonnie Buckhalt resides in Albuquerque, New Mexico. She is a “consumer” as defined by 15 U.S.C. §1692a(3). At all times relevant to this complaint, she resided in New Mexico.
5. Defendant Mercantile Adjustment Bureau, LLC (“MAB”) is a foreign corporation whose principal business is the collection of consumer debts. It regularly collects or attempts to

collect debts owed or due or asserted to be owed or due another. It has been engaged by multiple creditors to do so. MAB is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

### **Facts**

6. Out of the blue, Ms. Buckhalt began receiving phone messages from MAB on a regular basis.
7. The phone messages threatened to file suit against her. One such message involved a collector yelling at her.
8. Upon information and belief, MAB did not intend to file suit and did not have the authority to file suit on this alleged debt.
9. MAB also called Ms. Buckhalt’s former husband concerning an alleged debt, even though Ms. Buckhalt has been divorced for 26 years.
10. She returned the calls and learned she was being pursued for an alleged debt.
11. Defendant never sent any letters to Ms. Buckhalt, explaining her rights or the procedures available under the Fair Debt Collection Practices Act to verify the debt. Ms. Buckhalt does not even know the name of the alleged original creditor, does not understand the nature of the alleged debt, and may not even owe the debt.
12. The phone calls caused Ms. Buckhalt anxiety and interfered with her sleep.
13. MAB’s actions constitute the transaction of business within New Mexico.
14. As a result of the actions of MAB, Ms. Buckhalt suffered actual damages, including invasion of privacy, apprehension, lost time, embarrassment, inconvenience, aggravation

and humiliation.

15. Upon information and belief, the actions of MAB represent a pattern and practice of misconduct, and the imposition of damages is appropriate in order to deter such conduct in the future.

**First Claim for Relief: Violations of the FDCPA**

16. The foregoing actions of MAB violate the FDCPA, including 15 U.S.C. §§ 1692c, 1692d, 1692e, and 1692g.
17. Plaintiff is entitled to recover statutory damages and actual damages, costs and reasonable attorney fees.

**Second Claim for Relief: Violations of the Unfair Practices Act**

18. Defendant MAB is subject to the Unfair Practices Act for its business conduct in New Mexico.
19. The foregoing actions of Defendant MAB constitute unfair or deceptive trade practices and unconscionable trade practices within the meaning of the New Mexico Unfair Practices Act, NMSA 1978 §57-12-2(D) and (E).
20. Defendant willfully engaged in these unlawful trade practices.
21. Plaintiff is entitled to recover actual or statutory damages, actual or statutory damages trebled, plus costs and reasonable attorney's fees.
22. Plaintiff is entitled to injunctive relief to prevent irreparable injury that will result from continued collection activities.

WHEREFORE, Plaintiff prays that this Honorable Court:

- A. Award statutory and actual damages for Defendant's violations of the Fair Debt Collection Practices Act;
- B. Award statutory or actual damages, trebled, for Defendant MAB's violations of the Unfair Practices Act;
- C. Enjoin further collection activities;
- D. Award reasonable attorney's fees;
- E. Award costs; and
- F. Grant such other relief as it deems just and proper.

Respectfully submitted,

**/s/ Richard N. Feferman**\_\_\_\_\_

---

Richard N. Feferman  
Feferman & Warren, Attorneys for Plaintiff  
300 Central Ave., SW, Suite 2000 East  
Albuquerque, NM 87102  
(505) 243-7773  
(505) 243-6663 (fax)